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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/563,527	01/03/2006	Frank Exeler	071308.1004 (2003P09231WO	1503

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EXAMINER	
ANWAR, MOHAMMAD S	
ART UNIT	PAPER NUMBER
2416	
MAIL DATE	DELIVERY MODE
12/16/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/563,527	EXELER ET AL.	
	Examiner	Art Unit	
	MOHAMMAD ANWAR	2416	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *23 October 2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *12-22* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *12-22* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *23 October 2008* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 12-22 have been considered but are moot in view of the new ground(s) of rejection.

2. Drawings, Claim objections and 112 second rejections have been withdrawn.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 12-15,17-18 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haartsen (U.S. Patent No. 6,393,007) in view of Fazel et al. (U.S. Patent No. 6,393,007).

For claim 12, Haartsen discloses allocating a unique identifying frequency to each of a plurality of radio transmitters and radio receivers (see column 4 lines 16-19; column 5 lines 47-51); detecting whether a repeat time slot is used (see column 8 lines 5-11); performing frequency-slot separation on to-be-repeated data packets if the repeat time slot is detected (see column 8 lines 56-59), wherein the frequency-slot separation assigns the to-be-repeated data packets to a respective unique identifying frequency (see column 10 lines 35-45), and wherein the frequency-slot separation is carried out within the duration of the repeat time slot (see column 10 lines 35-39). Haartsen discloses all the subject matter but fails to mention performing frequency selection in at least one of the radio transmitters and receivers wherein a repeated data packet is searched on the respective identifying frequency. However, Fazel et al. from a similar field of endeavor disclose performing frequency selection in at least one of the radio transmitters and receivers wherein a repeated data packet is searched on the respective identifying frequency (see column 10 lines 34-44). Thus, it would have been obvious to one ordinary skill in the art at the time of invention was made to include Fazel et al. search scheme into Haartsen transmission scheme. The method can be

implemented in the software program. The motivation of doing this is to access the network based on carrier sensing and on the use of transmitted check signals (see column 10 lines 1-2).

For claim 13, Haartsen discloses wherein the step of allocating the unique identifying frequency is performed once as part of an initialization of the radio coverage area of the radio telecommunication system with the allocation being stored at least temporarily in the radio transmitters and radio receivers (see column 5 lines 15-26).

For claim 14, Haartsen discloses wherein the step of allocating the unique identifying frequency is carried out at the start of each transmission frame in accordance with a time-slot separation method (see column 10 lines 39-50).

For claim 15, Haartsen discloses wherein an allocation of frequencies to the radio transmitters and radio receivers is implemented in such a way that each radio transmitter and radio receiver is allocated a sequence with a unique starting value (see column 10 lines 53-61).

For claim 17, Haartsen discloses wherein the frequency-slot separation and selection steps are performed for each repeat time slot (see column 8 lines 12-19).

For claim 18, Haartsen discloses wherein the repeat time slot is used due to the absence of an acknowledgement message from a receiving radio transmitter/radio receiver (see column 8 lines 43-47 and lines 57-59).

For claim 21, Haartsen discloses wherein the radio telecommunications system operates in accordance with the Digital Enhanced Cordless Telecommunication (DECT)

or Worldwide Digital Cordless Telecommunications (WDCT) standard (see column7 lines 6-43).

7. Claims 16, 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haartsen in view of Fazel et al. as applied to claim 12 above, and further in view of Dent et al. (U.S. Patent No. 5,896,375).

For claim 16, Haartsen and Fazel et al. disclose all the subject matter but fails to mention wherein the frequency-slot separation and selection steps are performed if, in a radio coverage area of the radio telecommunications system, it is determined before the start of a transmission frame that a first number of radio transmitters and radio receivers located in a radio coverage area exceeds a second number in the radio coverage area according to the repeat time slots available by a time-slot separation method. However Dent et al. from a similar field of endeavor disclose wherein the frequency-slot separation (see column 7 lines 39-41) and selection steps are performed if, in a radio coverage area of the radio telecommunications system, it is determined before the start of a transmission frame that a first number of radio transmitters and radio receivers located in a radio coverage area exceeds a second number in the radio coverage area according to the repeat time slots available by a time-slot separation method (see column 8 lines 23-67 and column 9 lines 1-67; column 14 lines 50-52). Thus, it would have been obvious to one ordinary skill in the art at the time of invention was made to include Dent et al. frequency assignment scheme into Haartsen and Fazel et al. transmission scheme. The method can be implemented in a transmitter. The motivation

of doing this is to allocate specific frequencies and time slots for transmission and reception (see column 7 lines 38-40).

For claim 19, Haartsen and Fazel et al. disclose all the subject matter but fails to mention wherein the allocation of frequencies is calculated within each of the radio transmitters and radio receivers. However, Dent et al. from a similar field of endeavor disclose wherein the allocation of frequencies is calculated within each of the radio transmitters and radio receivers (see column 6 lines 38-46). Thus, it would have been obvious to one ordinary skill in the art at the time of invention was made to include Dent et al. frequency assignment scheme into Haartsen and Fazel et al. transmission scheme. The method can be implemented in a processor. The motivation of doing this is to allocate specific frequencies and time slots for transmission and reception (see column 7 lines 38-40).

For claim 20, Haartsen and Fazel et al. disclose all the subject matter but fails to mention wherein calculation takes place on the basis of unique identifying information known to the radio telecommunications system. However, Dent et al. from a similar field of endeavor disclose wherein calculation takes place on the basis of unique identifying information known to the radio telecommunications system (see column 7 lines 51-58). Thus, it would have been obvious to one ordinary skill in the art at the time of invention was made to include Dent et al. frequency assignment scheme into Haartsen and Fazel et al. transmission scheme. The method can be implemented in a processor. The motivation of doing this is to allocate specific frequencies and time slots for transmission and reception (see column 7 lines 38-40).

8. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Haartsen in view of Fazel et al. as applied to claim 12 above, and further in view of King et al. (U.S. Patent No. 5,864,755).

For claim 22, Haartsen and Fazel et al. disclose all the subject matter but fails to mention wherein an International Portable User Identity (IPUI) is used as identification information. However, King et al. from a similar field of endeavor disclose wherein an International Portable User Identity (IPUI) is used as identification information (see column 2 lines 54-65). Thus, it would have been obvious to one ordinary skill in the art at the time of invention was made to include King et al. identification scheme into Haartsen and Fazel et al. transmission scheme. The method can be implemented in a software program. The motivation of doing this is to have an identification by which it can establish communication with the system to originate calls (see column 2 lines 54-56).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MOHAMMAD ANWAR whose telephone number is (571)270-5641. The examiner can normally be reached on Monday-Thursday, 9am-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derrick W. Ferris can be reached on 571-272-3123. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MOHAMMAD ANWAR
Examiner
Art Unit 2416

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